Minute No. 338
Report – Standing Policy Committee on Property and Development – April 14, 2015

Item No. 1 **Closing – Part of Mission Street between CNR Plan 6799 WLTO and Bournais Drive**
(St. Boniface Ward)
File DAC 1/2015

COUNCIL DECISION:

Council concurred in the recommendation of the Standing Policy Committee on Property and Development and adopted the following:

1. That the street closing as shown on Misc. Plan No. 14841 be approved and that the land be declared surplus to the City's needs.

2. That the Director of Legal Services and City Solicitor be instructed to prepare the necessary by-law for submission to Council to effect the street closing in accordance with Misc. Plan No. 14841, subject to the approval of the terms and conditions of the conveyance of the land by the Director of the Planning, Property and Development Department.

3. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

Report – Standing Policy Committee on Property and Development – April 14, 2015

DECISION MAKING HISTORY:

Moved by Councillor Orlikow,

That the recommendation of the Standing Policy Committee on Property and Development be adopted by consent.

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On April 22, 2015, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and the Riel Community Committee, and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On April 14, 2015, the Standing Policy Committee on Property and Development concurred in the recommendation of the Riel Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On March 9, the Riel Community Committee concurred in the recommendation of the Winnipeg Public Service, and recommended to the Standing Policy Committee on Property and Development:

1. That the proposed street closing as shown on Misc. Plan No. 14841 be approved and that the land be declared surplus to the City's needs.

2. That the Director of Legal Services and City Solicitor be instructed to prepare the necessary by-law for submission to Council to effect the street closing in accordance with Misc. Plan No. 14841, subject to the approval of the terms and conditions of the conveyance of the land by the Director of the Planning, Property and Development Department.

3. That the Proper Officers of the City be authorized to do all things necessary to effect the intent of the foregoing.

PUBLIC HEARING SUMMARY

File:	DAC 1/2015
Before:	Riel Community Committee Councillor Mayes, Chairperson Councillor Allard Councillor Lukes
Public Hearing:	March 9, 2015 Council Building, 510 Main Street
Applicant:	Terracon Development Ltd.
Premises Affected:	Part of Mission Street between CNR Plan 6799 WLTO and Bournais Drive
Exhibits Filed:	1. Report from the Real Property Officer dated February 24, 2015 2. Inspection Report

REPRESENTATIONS:

In Support:
Justin Swandel
Michael Falk

In Opposition:
Nil

For Information:
Nil

For the City:
Mr. B. Buyachok, Real Property Officer, Planning, Property and Development Department
Mr. G. Jasper, Land Development Engineer, Planning, Property and Development Department
Mr. R. Kostiuk, Planner, Planning, Property and Development Department
Mrs. E. Finnigan, Planner, Planning, Property and Development Department

Exhibit "1" referred to in File DAC 1/2015

ADMINISTRATIVE REPORT

Title: **DAC 1/2015: PROPOSED CLOSING OF PART OF MISSION STREET BETWEEN CNR PLAN 6799 WLTO AND BOURNAIS DRIVE**

Critical Path: **RIEL COMMUNITY COMMITTEE – STANDING POLICY COMMITTEE ON PROPERTY AND DEVELOPMENT - EXECUTIVE POLICY COMMITTEE – COUNCIL**

AUTHORIZATION

Author	Department Head	CFO	CAO
K. Raban	M. Pittet	N/A	N/A

RECOMMENDATIONS

1. That the proposed street closing as shown on Misc. Plan No. 14841 be approved and that the land be declared surplus to the City's needs.

2. That the Director of Legal Services and City Solicitor be instructed to prepare the necessary by-law for submission to Council to effect the street closing in accordance with Misc. Plan No. 14841, subject to the approval of the terms and conditions of the conveyance of the land by the Director of the Planning, Property and Development Department.

3. That the Proper Officers of the City be authorized to do all things necessary to effect the intent of the foregoing.

REASON FOR THE REPORT

All street and lane openings and closings require Council approval.

IMPLICATIONS OF THE RECOMMENDATIONS

There are no policy, regulatory, environmental, human resource or general implications associated with the recommendations.

All costs associated with the street closing are the responsibility of the applicant. There are no financial implications for the City of Winnipeg.

HISTORY

The Planning, Property and Development Department has received a request from Terracon Development Ltd. to close and purchase the portion of Mission Street so identified on the attached copy of Misc. Plan No. 14841. Terracon has requested the closing in order to consolidate the right of way, once closed, with their existing holdings which make up Terracon Business Park.

Discussion

The portion of Mission Street west of Terracon Place comprises part of a fenced compound for heavy equipment and construction material storage. The portion east of Terracon Place comprises parts of paved parking lots and landscaping as part of the business park complex. The subject closing and sale will regularize the existing trespasses.

Elan Boulevard, a private right of way within the business park, adjoins a portion of Mission Street immediately to the north. Present usage of Elan Boulevard will not be affected by the proposed closing.

Two City properties south of Mission Street will become land locked as a result of the closing. Property west of Terracon Place is barren land under the jurisdiction of the Planning, Property and Development Department. Property east of Terracon Place is the location of SRB 5-14 under the jurisdiction of the Water and Waste Department.

Mission Street was opened by Plan No. 433 and registered in the Winnipeg Land Titles Office in January of 1894. The land is Old System right of way. A Real Property Application will be required to bring it under the operation of the Torrens System. The portion east of the closing boundary up to Bournais Drive will remain legally open. It presently consists of bush and scrub prairie and is an undeveloped right of way.

CONSULTATION

In preparing this Report there was consultation with:

Internal Consultation:

There was consultation with the affected Civic departments.

External Consultation:

Manitoba Hydro, Centra Gas, MTS Inc., Shaw Cablesystems, Bell Canada, Rogers Communications, and TeraSpan.

Telus, Imperial Oil, Norscan, and Fiber did not respond to the request for comments on this application.

SUBMITTED BY

Department: Planning, Property and Development
Division: Land Development, Geomatics and Land Information Services
Prepared by: Bohdan Buyachok, Real Property Officer
Date: February 24, 2015
File No. DAC 1/2015

Attachments

Appendix “A” – Administrative Approval/Comments

Appendix “B” – Miscellaneous Plan and Aerial View

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APPENDIX "A"

Administrative Approval

The proposal has been considered by all affected City departments and public utilities. There are no administrative objections to the street closing.

Administrative Comments

Administrative approval of this application is subject to the following conditions:

Public Works Department:

The Public Works Department recommends the applicant to provide a cross access easement agreement for the City land adjoining the closing to the east. Secondary access to this property is required as the proposed closing will result in a long dead-end street.

Water and Waste Department:

The Wastewater Services Division – Collections Branch has indicated that Elan Boulevard currently provides the Water and Waste Department with access to the storm retention pond located southeast of the Mission Street right of way. Water and Waste does not have any objections to the closing provided that an access agreement is provided to the pond area, through the parking lots and/or roads within the Terracon Business Park.

Real Estate Division:

City property adjoining the western portion of the proposed closing is under the jurisdiction of Planning, Property and Development. Real Estate has no objections to the closing provided that a cross access agreement to this property is provided by the applicant.

Urban Planning Division:

There are areas where Mission Street forms the boundary between MMU and M2 zoned properties. The closing will result in the MMU zoning and M2 zoning extending to the mid-point of Mission Street once it is closed. This may result in the future need to rezone, depending on the final ownership of the closed right of way.

Zoning

Each half of a closed street assumes the zoning designation of the adjoining land. The applicant's property north and south of the closing is designated MMU: Manufacturing – Mixed Use. The adjoining City property to the south is designated M2: Manufacturing – General.

Easements

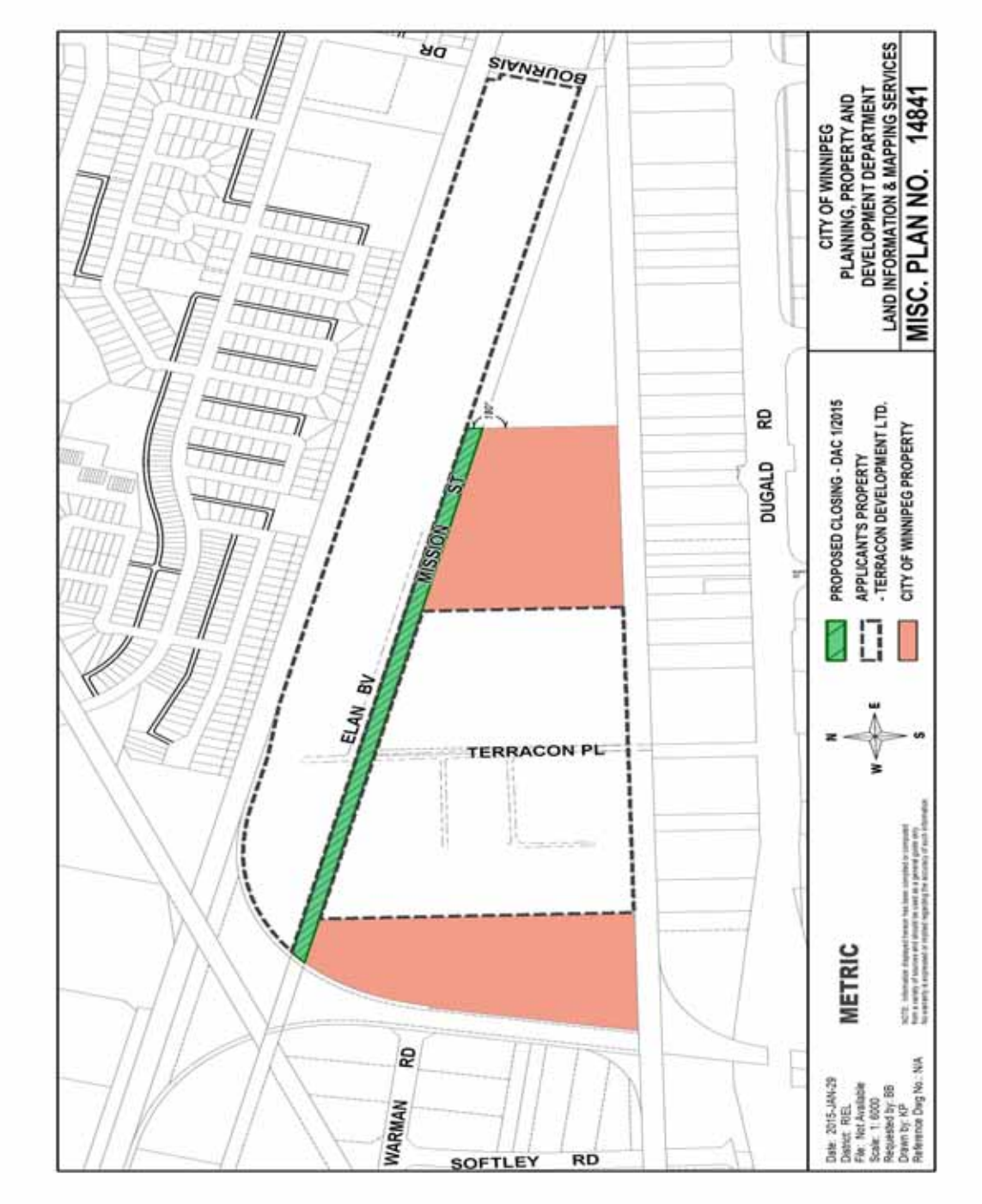
Manitoba Hydro, Centra Gas and MTS. Inc. have identified existing services within the closing area and will require easements for these facilities. No permanent structures will be allowed within the easement areas.

Any removal or relocation of existing facilities as a result of the proposed street closing will be at the expense of the applicant.

Transfer of Jurisdiction Over Public Rights-of-Way

The street must be legally closed before it may be sold. Title to all public rights of way in Manitoba is vested in the name of the Province. The registration in the Winnipeg Land Titles Office of a closing by-law removes the public right of way status from the land and vests the ownership of the property in the City's name. The City is not entitled to dispose of the land until this has been done.

Miscellaneous Plan



Aerial View of Subject Closing

